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| 09/628,750      | 07/31/2000  | Takashi Hirano       | 09792909-0391       | 5303             |

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EXAMINER

SANTIAGO, MARICELI

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2879

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/628,750

Applicant(s)

HIRANO ET AL.

Examiner

Mariceli Santiago

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 51-78 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 10.

### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 49 recites "the anode is constituted with a layer comprising a metal and a transparent material", throughout the specification and as stated in claims 8, 19, 28 and 30, it is the cathode or second electrode which is constituted with a layer comprising a metal and a transparent material.

***Claim Objections***

Claim 10 is objected to because of the following informalities:

In line 10, the phrase "organic light emission device" should read as "organic light emission layer". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19, 20, 30, 31, 41, 42, 45, 48 and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation "a control terminal" in line 7, this limitation renders the claim indefinite, since where a claim directed to a device can be read to include the same element twice, it is considered indefinite. *Ex parte Kristensen*, 10 USPQ2d 1701 (Bd. Pat. App. & Inter. 1989).

Claim 20 recites the limitation "the second control terminal" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 30 recites the limitation "a control terminal" in line 8, this limitation renders the claim indefinite, since where a claim directed to a device can be read to include the same element twice, it is considered indefinite. *Ex parte Kristensen*, 10 USPQ2d 1701 (Bd. Pat. App. & Inter. 1989).

Claim 31 recites the limitation "the second control terminal" in line 3. There is insufficient antecedent basis for this limitation in the claim.

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Claim 31 recites the limitation "the capacitor" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 41 recites the limitation "the organic light emitting layer" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 42 recites the limitations "the first transistor", "the second transistor", "the control terminal" and "the second control terminal". There is insufficient antecedent basis for these limitations in the claim.

Claim 45 recites the limitation "the first electrode" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 48 recites the limitation "the first anode" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 50 recites the limitation "the second electrode". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9-15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishizaki et al. (US 5,443,922).

Regarding claims 1 and 10, Nishizaki discloses an EL device comprising a substrate, an anode formed on the substrate, an organic light emitting layer formed on the anode, and a cathode (Column 52, lines 60-65), in which the anode contains a metal belonging to the group V

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or the group VI of the periodical table at least to a portion in contact with the organic light emitting layer (Column 53, lines 29-40).

Regarding claims 2 and 11, Nishizaki discloses an EL device wherein the metal includes chromium or tungsten (Column 53, lines 29-40).

Regarding claims 3 and 12, Nishizaki discloses an EL device wherein the work function of the metal is 4.8 eV or lower (Column 53, lines 29-40).

Regarding claims 4 and 13, Nishizaki discloses an EL device wherein the anode has a reflectance of 40% or higher. It is elementary that mere recitation of a newly discovered function or property, inherently possessed by things in the prior art, does not cause a claim drawn to distinguish over the prior art. Accordingly, the examiner notes that the anode materials disclosed by Nishizaki inherently possess the reflectance property.

Regarding claims 5 and 14, Nishizaki discloses an EL device wherein emission light from the organic light-emitting layer is emitted from the side of the cathode (Column 53, lines 49-54).

Regarding claims 6 and 15, Nishizaki discloses an EL device wherein the anode comprises an alloy (Column 53, lines 29-40).

Regarding claims 9 and 18, Nishizaki discloses an EL device wherein the cathode comprises MgAg (Column 53, lines 41-48).

Claims 1-7 and 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Tamano et al. (US 5,681,664).

Regarding claims 1 and 10, Tamano discloses an EL device comprising a substrate (1), an anode (2) formed on the substrate (1), an organic light emitting layer (4) formed on the anode, and a cathode (6), in which the anode contains a metal belonging to the group V or the

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group VI of the periodical table at least to a portion in contact with the organic light emitting layer (Column 22, lines 31-39).

Regarding claims 2 and 11, Tamano discloses an EL device wherein the metal includes chromium or tungsten (Column 22, lines 29-39).

Regarding claims 3 and 12, Tamano discloses an EL device wherein the work function of the metal is 4.8 eV or lower (Column 22, lines 29-39).

Regarding claims 4 and 13, Tamano discloses an EL device wherein the anode has a reflectance of 40% or higher. It is elementary that mere recitation of a newly discovered function or property, inherently possessed by things in the prior art, does not cause a claim drawn to distinguish over the prior art. Accordingly, the examiner notes that the anode materials disclosed by Tamano inherently possess the reflectance property.

Regarding claims 5 and 14, Tamano discloses an EL device wherein emission light from the organic light-emitting layer is emitted from the side of the cathode (Column 22, lines 46-50).

Regarding claims 6 and 15, Tamano discloses an EL device wherein the anode comprises an alloy (Column 22, lines 29-39).

Regarding claims 7 and 16, Tamano discloses an EL device wherein the organic light emitting layer has a hole transporting layer for transporting holes injected from the anode (Column 22, lines 1-3).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizaki et al. (US 5,443,922) in view of Thompson et al. (US 5,861,219).

Regarding claims 8 and 17, Nishizaki discloses the claimed invention except for the limitation of the cathode comprising a layer composed of a metal and a transparent material. However, in the same field of endeavor, Thompson discloses an organic EL device wherein the cathode is comprises a metal (MgAl) and a transparent material (ITO). The transparent material provides protection of the cathode from atmospheric oxidation and also function as an electrical contact layer. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the cathode materials disclosed by Thompson in the EL device of Nishizaki in order to provide a protection layer over the cathode from atmospheric oxidation and also function as an electrical contact layer.

Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamano et al. (US 5,681,664) in view of Thompson et al. (US 5,861,219).

Regarding claims 8 and 17, Tamano discloses the claimed invention and further acknowledge forming the cathode with multiple layers. Tamano fails to disclose the limitation of the cathode comprising a layer composed of a metal and a transparent material. However, in the same field of endeavor, Thompson discloses an organic EL device wherein the cathode is comprises a metal (MgAl) and a transparent material (ITO). The transparent material provides protection of the cathode from atmospheric oxidation and also function as an electrical contact layer. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the cathode materials disclosed by Thompson in the EL device of Tamano in order to provide a protection layer over the cathode from atmospheric oxidation and also function as an electrical contact layer.



Claims 19-26, 29-37, 40-47 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizaki et al. (US 5,443,922) in view of Ikeda (US 5,940,053).

Regarding claims 19 and 30, Nishizaki discloses an light emitting device having at least an organic light emitting layer, a first electrode providing holes to the organic light emitting layer and a second electrode providing electrons to the organic light emitting layer (Column 52, lines 60-65), and the first electrode contains a metal belonging to the group V or the group VI of the periodical table at lest to a portion in contact with the organic light emitting layer (Column 53, lines 29-40).

Nishizaki fails to disclose the driving and operating elements/components of the active matrix type EL device. However, Ikeda discloses an active matrix type EL device (Fig. 2, Column 5, lines 23-60) comprising scanning lines (151) for selecting pixels, data lines (152) provided with luminance information for driving the pixels, a first transistor (150) connected at a first control terminal with the scanning lines (151), a second transistor (156) connected at a second control terminal with the first transistor (150), and a light emitting device (155) connected with the second transistor (156). The driving elements and arrangement disclosed by Ikeda are considered well known in the art to provide and complete the assembly of an active matrix type EL device. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the driving and operating elements and arrangement disclosed by Ikeda in the EL device of Nishizaki in order to provide and complete the assembly of an active matrix type EL device.

Regarding claim 41, Nishizaki discloses an organic EL device having and anode containing a metal belonging to the group V or the group VI of the periodical table at lest to a portion in contact with the organic light emitting layer (Column 53, lines 29-40), and a cathode disposed at a position opposing to the anode (Column 52, lines 60-65).

Nishizaki fails to disclose the driving and operating elements/components of the active matrix type EL device. However, Ikeda discloses an active matrix type EL device (Fig. 2, Column 5, lines 23-60) comprising scanning lines (151) for selecting pixels, data lines (152) disposed substantially vertically relative to the scanning lines (151) and provided with luminance information for driving the pixels, a active element (150) controlled by the scanning lines and having a function of intaking luminance information provided from the data lines and a second active element (156) having the function of controlling the current supplies to the EL device (155) in accordance with the intaken luminance information, the luminance information is taken into the pixels by applying electric signals in accordance with the luminance information to the data lines in a state where the data lines are selected, the luminance information taken in the pixel is maintained to the pixel even after the scanning line becomes no more selected, and the organic EL device maintains light emission at a luminance according to the luminance information (Column 5, lines 23-55). The driving elements and arrangement disclosed by Ikeda are considered well known in the art to provide and complete the assembly of an active matrix type EL device. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the driving and operating elements and arrangement disclosed by Ikeda in the EL device of Nishizaki in order to provide and complete the assembly of an active matrix type EL device.

Regarding claims 20, 31 and 42, Ikeda discloses an EL device wherein the first transistor (150) and the second transistor (156) are field effect transistors and connected at the second control terminal with a capacitor (153). Claims 20 and 31 are rejected for the same motivation stated above in the rejection of claims 19 and 30.

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Regarding claims 21 and 32, Ikeda discloses an EL device wherein the scanning lines (151) and the data lines (152) cross substantially vertical to each other (Fig. 2). Claims 21 and 32 are rejected for the same motivation stated above in the rejection of claims 19 and 30.

Regarding claims 22, 33 and 43, Nishizaki discloses an EL device wherein the metal includes chromium or tungsten (Column 53, lines 29-40).

Regarding claims 23, 34 and 44, Nishizaki discloses an EL device wherein the work function of the metal is 4.8 eV or lower (Column 53, lines 29-40).

Regarding claims 24, 35 and 45, Nishizaki discloses an EL device wherein the anode has a reflectance of 40% or higher. It is elementary that mere recitation of a newly discovered function or property, intrinsically possessed by things in the prior art, does not cause a claim drawn to distinguish over the prior art. Accordingly, the examiner notes that the anode materials disclosed by Nishizaki intrinsically possess the reflectance property.

Regarding claims 25, 36 and 46, Nishizaki discloses an EL device wherein emission light from the organic light-emitting layer is emitted from the side of the cathode (Column 53, lines 49-54).

Regarding claims 26, 37 and 47, Nishizaki discloses an EL device wherein the anode comprises an alloy (Column 53, lines 29-40).

Regarding claims 29, 40 and 50, Nishizaki discloses an EL device wherein the cathode comprises MgAg (Column 53, lines 41-48).

Claims 28, 39 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizaki et al. (US 5,443,922) in view of Ikeda (US 5,940,053), and further in view of Thompson et al. (US 5,861,219).

Regarding claims 28, 39 and 49, Nishizaki discloses the claimed invention except for the limitation of the cathode comprising a layer composed of a metal and a transparent material. However, in the same field of endeavor, Thompson discloses an organic EL device wherein the cathode is comprises a metal (MgAl) and a transparent material (ITO). The transparent material provides protection of the cathode from atmospheric oxidation and also function as an electrical contact layer. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the cathode materials disclosed by Thompson in the EL device of Nishizaki in order to provide a protection layer over the cathode from atmospheric oxidation and also function as an electrical contact layer.

Claims 19-27, 30-38 and 41-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamano et al. (US 5,681,664) in view of Ikeda (US 5,940,053).

Regarding claims 19 and 30, Tamano discloses an light emitting device having at least an organic light emitting layer (4), a first electrode (2) providing holes to the organic light emitting layer and a second electrode (6) providing electrons to the organic light emitting layer, and the first electrode contains a metal belonging to the group V or the group VI of the periodical table at lest to a portion in contact with the organic light emitting layer (Column 22, lines 29-39).

Tamano fails to disclose the driving and operating elements/components of the active matrix type EL device. However, Ikeda discloses an active matrix type EL device (Fig. 2, Column 5, lines 23-60) comprising scanning lines (151) for selecting pixels, data lines (152) provided with luminance information for driving the pixels, a first transistor (150) connected at a first control terminal with the scanning lines (151), a second transistor (156) connected at a second control terminal with the first transistor (150), and a light emitting device (155)

connected with the second transistor (156). The driving elements and arrangement disclosed by Ikeda are considered well known in the art to provide and complete the assembly of an active matrix type EL device. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the driving and operating elements and arrangement disclosed by Ikeda in the EL device of Tamano in order to provide and complete the assembly of an active matrix type EL device.

Regarding claim 41, Tamano discloses an organic EL device having an anode containing a metal belonging to the group V or the group VI of the periodical table at least to a portion in contact with the organic light emitting layer (Column 22, lines 29-39), and a cathode (6) disposed at a position opposing to the anode.

Tamano fails to disclose the driving and operating elements/components of the active matrix type EL device. However, Ikeda discloses an active matrix type EL device (Fig. 2, Column 5, lines 23-60) comprising scanning lines (151) for selecting pixels, data lines (152) disposed substantially vertically relative to the scanning lines (151) and provided with luminance information for driving the pixels, an active element (150) controlled by the scanning lines and having a function of intaking luminance information provided from the data lines and a second active element (156) having the function of controlling the current supplies to the EL device (155) in accordance with the intaken luminance information, the luminance information is taken into the pixels by applying electric signals in accordance with the luminance information. to the data lines in a state where the data lines are selected, the luminance information taken in the pixel is maintained to the pixel even after the scanning line becomes no more selected, and the organic EL device maintains light emission at a luminance according to the luminance information (Column 5, lines 23-55). The driving elements and arrangement disclosed by Ikeda are considered well known in the art to provide and complete the assembly of an active matrix

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type EL device. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the driving and operating elements and arrangement disclosed by Ikeda in the EL device of Tamano in order to provide and complete the assembly of an active matrix type EL device.

Regarding claims 20, 31 and 42, Ikeda discloses an EL device wherein the first transistor (150) and the second transistor (156) are field effect transistors and connected at the second control terminal with a capacitor (153). Claims 20 and 31 are rejected for the same motivation stated above in the rejection of claims 19 and 30.

Regarding claims 21 and 32, Ikeda discloses an EL device wherein the scanning lines (151) and the data lines (152) cross substantially vertical to each other (Fig. 2). Claims 21 and 32 are rejected for the same motivation stated above in the rejection of claims 19 and 30.

Regarding claims 22, 33 and 43, Tamano discloses an EL device wherein the metal includes chromium or tungsten (Column 22, lines 29-39).

Regarding claims 23, 34 and 44, Tamano discloses an EL device wherein the work function of the metal is 4.8 eV or lower (Column 22, lines 29-39).

Regarding claims 24, 35 and 45, Tamano discloses an EL device wherein the anode has a reflectance of 40% or higher. It is elementary that mere recitation of a newly discovered function or property, inherently possessed by things in the prior art, does not cause a claim drawn to distinguish over the prior art. Accordingly, the examiner notes that the anode materials disclosed by Tamano inherently possess the reflectance property.

Regarding claims 25, 36 and 46, Tamano discloses an EL device wherein emission light from the organic light-emitting layer is emitted from the side of the cathode (Column 22, lines 46-50).

Regarding claims 26, 37 and 47, Tamano discloses an EL device wherein the anode comprises an alloy (Column 22, lines 29-39).

Regarding claims 27, 38, and 48, Tamano discloses an EL device wherein the organic light emitting layer has a hole transporting layer for transporting holes injected from the anode (Column 22, lines 1-3).

Claims 28, 39 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamano et al. (US 5,681,664) in view of Ikeda (US 5,940,053), and further in view of Thompson et al. (US 5,861,219).

Regarding claims 28, 39 and 49, Tamano discloses the claimed invention and further acknowledge forming the cathode with multiple layers. Tamano fails to disclose the limitation of the cathode comprising a layer composed of a metal and a transparent material. However, in the same field of endeavor, Thompson discloses an organic EL device wherein the cathode is comprises a metal (MgAl) and a transparent material (ITO). The transparent material provides protection of the cathode from atmospheric oxidation and also function as an electrical contact layer. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the cathode materials disclosed by Thompson in the EL device of Tamano in order to provide a protection layer over the cathode from atmospheric oxidation and also function as an electrical contact layer.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (703) 305-1083. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382. Additionally, the following fax phone numbers can be used during the prosecution of this application (703) 872-9318 (for response before a Final Action) and (703) 872-9319 (for response after a Final Action).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

*MSkg 6/6/03*  
Mariceli Santiago  
Patent Examiner  
Art Unit 2879

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